

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
CIVIL MINUTES**

Case Title: Russell Wayne Lester

Case No.: 20-24123 - E - 11

Docket Control No. FWP-2

Date: 03/25/2021

Time: 10:30 AM

Matter: [12] - Motion/Application Granting Replacement Liens [FWP-2] Filed by Debtor Russell Wayne Lester (isaf) [12] - Motion/Application Scheduling Final Hearing Pursuant to Bankruptcy Rule 4001 [FWP-2] Filed by Debtor Russell Wayne Lester (isaf) [12] - Motion/Application to Use Cash Collateral [FWP-2] Filed by Debtor Russell Wayne Lester (isaf)

Judge: Ronald H. Sargis

Courtroom Deputy: Michelle Peterson

Reporter: Electronic Record

Department: E

APPEARANCES for:

Movant(s):

(by phone) Debtor - Russell Wayne Lester; (by phone) Debtor's Attorney - Thomas A. Willoughby; (by phone) Debtor's Attorney - Lauren M. Kawano; (by phone) Debtor's Attorney - Russell Burbank

Respondent(s):

(by phone) Debtor's Attorney - Thomas A. Willoughby; (by phone) Creditor's Attorney - Jason J. DeJonker; (by phone) Creditor's Attorney - Douglas H. Kraft; (by phone) Creditor's Attorney - Nicholas R. Marcus; (by phone) Creditor's Attorney - Howard S. Nevins; (by phone) Creditor's Attorney - Stephen M. Reynolds; (by phone) Real Estate Broker - Curtis Stocking

CIVIL MINUTES

Motion Granted; HEARING TO BE HELD ON 4/8/2021 at 2:00 PM at Modesto Courtroom

Findings of fact and conclusions of law stated orally on the record

ORDER TO BE PREPARED BY: Counsel for Debtor in Possession

Local Rule 9014-1(f)(1) Motion—Hearing Required.

Sufficient Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Debtor in Possession, creditors holding the twenty largest unsecured claims, creditors, parties requesting special notice, and Office of the United States Trustee on

September 2, 2020. The initial emergency hearing was conducted on August 31, 2020, and the final hearing set by order of the court for September 17, 2020.

The Motion to Use Cash Collateral is granted, with the hearing continued to 2:00 p.m. on April 8, 2021.

**Request for Continuance
and Interim Extension of Exclusive Period**

On February 18, 2021, the parties filed a Stipulation agreeing that the hearing on this matter be continued to a date to be determined at the February 23, 2021 hearing. Dckt. 415. The parties informed the court that they have agreed to vacate the briefing schedule for all the hearings scheduled in this case related to the Motion to Use Cash Collateral (FWP-2), the Motion for Extension of Exclusive Period (FWP-17), the Motion to Terminate Exclusivity (NRM-1), and the Approval of the Disclosure Statement (FWP-14).

The parties have also agreed to an interim cash collateral order authorizing use of cash collateral in the amounts and for the purposes as stated in the present cash collateral budget attached as Exhibit A to this court's Fifth Interim Order on the Motion (Docket No. 306), through the week of a subsequent hearing date to be determined by the court provided that such subsequent hearing date is within thirty (30) days of the February 23 Hearing on cash collateral. *Id.*

The parties also agreed to extend the exclusivity period through the date of the continued hearing determined at the February 23, 2021 hearing. *Id.*

The Court authorized the Seventh Interim Use of Cash Collateral through and including March 26, 2021, and Extended Exclusivity for the Debtor in Possession pursuant to the Stipulation of the Debtor in Possession, The Prudential Insurance Company of America, and First Northern Bank of Dixon through and including March 26, 2021. Order, Dckt. 430.

At the hearing, Prudential Life Insurance, First Northern Bank, and the Debtor in Possession reported that they have a further agreement for the interim use of cash collateral. FNB stipulates to the use of cash collateral through April 8, 2021, with FNB to have until April 5, 2021 to oppose further relief, and the Debtor in Possession until midnight on April 7, 2021 to reply. Debtor in Possession to prepare and lodge order, approved as to counsel.

Counsel for the Debtor in Possession shall prepare and lodge with the court, after being approved as to form by the respective counsel for Prudential Life Insurance and First Northern Bank, the order authorizing the further use of cash collateral and setting the April 8, 2021 continued hearing at 2:00 p.m.